**Rao Sahib M. M. Paul** *(Director of Food Supplies):*

(a) 77
(b) No.
(c) Yes. 4 Cochin Restaurants have been closed.
(d) 1,325—12—0.

**Rao Sahib A. Madhava Prabhu** *(Diwan Peishkar):* A certain portion has been given for cultivation.

## ADJOURNMENT MOTIONS

### 1. The lock-out in the Tata Oil Mills Co. Ltd.

**Mr. President:** I have received three notices of motions for the adjournment of the business of the House. One is by Mr. P. Achyutha Menon and refers to the situation in the Tata Oil Mills Company, Ltd. Will the Hon'ble Member please explain the importance and the urgency of the matter.

***Mr. Puthur Achyutha Menon** *(Kattur):* The Tata Oil Mills is a Company which employs more than 2,000 workers and on a particular day, *i.e.*, on the 4th of April, when 32 workers with pots in their hands for the noon meals went there, without any previous notice, they were asked to leave the Factory. In consequence of that a lightning strike is going on there. The matter is very important because it is without any previous notice that these 32 workers were dismissed and consequently a serious situation has arisen in the Tata Oil Mills which is of public importance and of immediate occurrence which could not be brought to the notice of this Hon'ble House by way of question or resolution because it took place only on the 4th of April. Therefore I bring to the notice of the Chair that this is a matter which comes under that particular section.

**Mr. C. J. Mathew** *(Secretary to Government):* So far as the Government are aware, nothing illegal has been done by the management. The workers had not reasonable ground to go on strike. So, Government do not consider that this is a matter of such public importance as to justify an adjournment of this House.

**Mr. President:** I am of opinion that the motion is in order and I shall therefore read the motion.

"The grave situation in the Tata Oil Mills Company Ltd., Ernakulam, a firm employing more than 2,000 labourers as the result of an illegal lockout on the morning of the 4th April 1946."

I will ask the Members who support this motion to rise in their places.

As twenty members have risen in support of the motion, I admit it. The motion will be taken up for discussion at 3-30 p.m. tomorrow.

### 2 and 3. The action taken by Government against three persons under the Restriction and Detention Proclamation

**Mr. President:** Then Mr. P. Govinda Menon has given two notices, one with reference to the action taken by Government in putting into Prison Mr. Cheriyan Manjuran and another with reference to the action taken by the Government against three public men of Ernakulam, *viz.*, Messrs. Cheriyan Manjuran, Advocate, M. O. Joseph, Journalist and M. M. Varkey, Journalist. Will the Hon'ble Member please explain his motions?

**Mr. P. Govinda Menon** *(Ernakulam):* Mr. Cheriyan Manjuran who is the President of the Harbour and Port Workers Union and an Advocate of Ernakulam and a subject of His Highness the Maharaja has been detained I understand, under a certain Act passed in 1119. No trial has been ordered. He has been imprisoned without any trial in a court of law. No doubt that Proclamation allows that. But when a person is detained in prison any citizen, under Section 391A of the Criminal Procedure Code can question the validity of the detention and the ground of detention in a court of law, to be more correct in the High Court of Cochin. As soon as this detention was made or immediately before that another legislation has been made making section 391A inapplicable to the present case. Therefore the only place where the public of Cochin can have light on the matter is the Legislative Council. It is a violation of the fundamental right of a citizen that he should be imprisoned without trial in a court of law. No doubt there is an emergency legislation in 1119 and on account of the legislation passed two or

*Speech not corrected by the Hon'ble Member.

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three days before the sitting of the Council, the matter cannot be taken before a court of law also. In these circumstances I submit to you, Sir, that this is a matter of very great public importance referred to in the motion have been proceeded against the Government. Even in the interests of the Government who have must got material in their possession for taking action, it is but proper that this House must be enabled to know why such a very drastic step has been taken against these three gentlemen who have been carrying on, to all apparent purposes, their peaceful avocations in Ernakulam. Therefore I submit, Sir, that this is a matter of very great public importance and since the matter happened only a few days before, I submit that the only way in which it could be brought on the floor of this House is by way of an adjournment motion.

**Rama Varmha Tampuran, M.B.E.** *(Chief Secretary to Government):* Sir, the Government regret they have to oppose the admissibility of these motions and the desirability of discussing this question. First, Sir, I shall refer to the point which the Hon'ble Member made out as regards the amendment which the Government brought to Proclamation XVII of 1119. That amendment was brought not with any sinister motive at all. (A voice-who said so?). That was the allegation.

**Mr. P. Kumaran Ezhuthassan** *(Vadakkancherri):* That was the imputation.

**Rama Varmha Tampuran, M.B.E.** *(Chief Secretary to Government):* That amendment was brought just to bring that Proclamation into line with the corresponding British Indian Proclamation. When the Government enacted.....

**Mr. P. Govinda Menon** *(Ernakulam):* May I know, Sir, when the British Proclamation was enacted?

**Rama Varmha Tampuran, M.B.E.** *(Chief Secretary to Gavernment):* When the Government passed their Proclamation of 1119, there was no provision in our law to move a Habaeous Corpus in the High Court. Therefore there was no need to refer to what should be done if such a contingency occurs in our State. It was only later that we provided for such petitions to be moved in the High Court.

**Mr. P. Govinda Menon** *(Ernakulam):* May I know when that was?

**Rama Varmha Tampuran, M.B.E.** *(Chief Secretary to Government):* It was later.

When that was introduced the clause in the British Indian Proclamation preventing such petitions being moved in cases of such detention had naturally to be incorporated in our Act also. It was an oversight, it was a lacuna and that was filled up.

Coming to the adjournment motion proper, as our Press Communique has stated, these incidents in pursuance of which the Government had to take action occurred (number of voices "which incident, please")

**Mr. P. Govinda Menon** *(Ernakulam):* We are not in the know of anything, Sir.

**Rama Varmha Tampuran, M.B.E.** *(Chief Secretary to Government) :* I referred to the Press Commnnique which the Government issued on the 12th of March. These incidents were the demonstrations that the College students in Thevara made when a very distinguished statesman who was the guest of His Highness and His Highness' Government visited the locality. Now, if we are to discuss the merits of the action which the Government had to take in pursuance of that demonstration, naturally this House will be forced to bring in names and also administration and administrative policies of a neighbouring State which in the interests of both of us and all concerned is not desirable. Another reason also there is and that is if this adjournment motion is to be moved, Government will be forced to state and give out all the information that has come into their possession which again will not be in the interests of the public of this State and of our interests too. We have got information of all things that happened before this demonstration took place. We have full details of what happened that day in the morning, noon and evening. It will not be in the interests of the public; it will be creating only bad blood all around, it will again be provoking hostilities all around if we were to give out all this information we have in our possession, and, if an adjournment motion is to be moved, and if Government are to defend fully and justify the action they have taken, they will be forced to do it. It is not in the larger interests of the public to force the Government to take such a course of action. Therefore for both these reasons Government regret that they have to oppose this motion.

**Mr. P. Govinda Menon** *(Ernakulam) :* May I make one statement, Sir.

**Mr. President:** Yes.

*__Mr. P. Govinda Menon__ *(Ernakulam):* I understood the Government member to say that a discussion on this motion may give rise to a discussion which may lead to bad relationship between this State and a neighbouring State. Under the Preamble to the Restriction and Detention Proclamation under which this action has been taken, a person can be detained if Government are satisfied that he ought to be prevented from acting in any manner prejudicial to the

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defence of Cochin, public safety, maintenance of public order, His Highness' relationship with His Majesty or any other Indian State.

**Mr. President:** I thought the Hon'ble Member wanted to make one observation, only one sentence.

**Mr. P. Govinda Menon** *(Ernakulam):* Sir, I said a statement.

**Mr. President:** I mis-heard him. Another statement.

**Mr. P. Govinda Menon** *(Ernakulam):* I could have understood the argument if action has been taken against these gentlemen in order to maintain His Highness' relationship with His Majesty or any other Indian State. But from the order served upon these gentlemen, I understand that action has not been taken on that account but action has been taken because to quote from the very order of Government "Government are satisfied that with a view to preventing so and so, a subject of the State of Travancore now residing in Ernakulam from acting in any manner prejudicial to public safety, the maintenance of public order and peaceful conditions in this State in these times of emergency, etc. etc., These are the reasons why action was taken against these three gentlemen.

The next statement made by the Government member was that they have got information.....

**Rama Varmha Tampuran, M.B.E.** *(Chief Secretary to Government):* That does not mean that a discussion on this motion will not refer to the aspects that I mentioned. The order that he read just now does not shut out the possibility of the necessity even of discussing matters relating to a neighbouring State when this motion is taken up.

**Mr. P. Govinda Menon** *(Ernakulam):* There is the President to call to order any member when he refers to irrelevent matters.

**Rama Varmha Tampuran, M.B.E.** *(Chief Secretary to Government):* It is my duty to explain and correct any impression which is wrong.

**Mr. P. Govinda Menon** *(Ernakulam):* What I want to say is that no action has been taken in regard to that particular matter, that is to say, relationship between His Highness and His Majesty or any other Indian State.

**Mr. President:** For that reason any discussion of relationship between two States will be out of order and irrelevant.

**Mr. P. Govinda Menon** *(Ernakulam):* Yes. Action has been taken only for maintaining the public order and of peaceful conditions in Cochin State and therefore I presume that the material which the Government has in its possession is material which will show that these gentlemen against whom action has been taken were doing things against the maintenance of public order and peaceful conditions in Cochin State. It is not the desire of myself or of any other member of this House, I presume, to attack Government on these matters. As the Government are aware, I myself, in the capacity of a President of a Public meeting made certain statements, which will go to show that in my view, actions taken by persons against the maintenance of public order are not in the interests of our State. But that does not mean that the public of this State are not interested in seeing that the liberty of person which is the fundamental right of every citizen is preserved intact. Here action has been taken against certain individuals under a certain Proclamation which gives very extensive and wide powers to Government in the matter of curtailing the liberties of citizens and is up to this House which is the custodian of the liberties of the citizens of this State to see that the Government satisfies this House that the action has been properly taken. Why should Government fight shy of placing before this House materials which will go to show that these people are guilty? On the other hand, this attitude of the Government rather tends to show that they have got rather slender material before them material which they dare not produce before a court of law, material which they cannot place before this House. What is the objection in informing the people of this State and the representatives of the people of this State about the nature of the activities, if any, which took place before the incidents referred to by the Hon'ble Member for Government. My submission, therefore, is that this is very important because of the way in which action has been taken and particularly because the only safeguard which law has given to these people, namely a right to move a Habeous Corpus application has been taken away rather simultaneously with the action taken against these individuals. What is the objection in placing the material in the possession of the Government before this House? Therefore, sir, this is a matter which is of very great public importance. Today it may be Mr. Cherian Manjuran and Mr. M. M. Varkey. Tomorrow it may another person. It is a case where the liberties of a citizen have been curtailed by executive action and this House which is jealous of the rights of the people wants to see and is

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determined to see what the material before the Government is which persuaded them to take such a drastic action against persons who were residing in Ernakulam for all these several years. Therefore, I submit, sir, that this is a matter which ought to be admitted under Rule 21 of the Legislative Council Rules.

**Mr. President:** I should like to take time to consider the admissibility of these motions and I will give my decision after questions tomorrow.]

## CONGRATULATORY MOTION

### On the accession of His Highness the Maharaja

**Mr. Parambi Lonappen** *(Minister for Rural Development)*: Mr. President, Sir, I feel great pleasure to move the following motion.—

"This Council respectfully tender its humble congratulations to His Highness the Maharaja Sree Kerala Varma on his assuming the Rulership of this ancient State and desires to express its prayful hope that His Highness will live long and that under his pious and benevolent rule the prosperity of the State and the happiness of its people will progress continuously."

I am fully confident that this House will echo my feelings of loyalty, devotion and admiration and would whole-heartedly join with me in felicitating His Highness Sree Kerala Varma on his accession to the ancient and illustrious gadi of Cochin. It is superfluous on my part to say that our Maharajas and members of the Ruling family of Cochin have been noted for their simplicity of life, plain living and high-thinking, exemplary character, charming manners, deep piety, generosity and sympathetic attachment to the people of the State. We all know and those who have had the good fortune of coming in close contact with our present Maharaja can candidly affirm that His Highness Sree Kerala Varma is an embodiment of the above mentioned qualities and virtues. Highly educated being the first graduate in Arts from the Ruling family of Cochin and inspired with the desire to do service to common humanity, with which spirit His Highness condescended to accept public service, having acquired enlightenment and wisdom by varied and extensive reading and by association with erudite scholars, His Highness comes to the Gadi with the gathered harvest of administrative experience, fully equipped to dircharge the arduous responsibilities of the Ruler of a progressive State. His Highness is a voratious reader and is thoroughly conversant with the day to day developments of world affairs. I know personally that His Highness takes keen interest in the progress of Indian Nation and the welfare of the Indian people. Above all His Highness has the most anxious concern for the welfare of all his subjects. It will not be presumptuous on my part if I say that His Highness is a highly constitutional Ruler and a believer in Responsible Government. The gracious Proclamation of His Highness on the memorable occasion of the Installation Durbar on the 21st March 1946, granting a further instalment of responsible Government with an indication of its extension which Proclamation was welcomed with approbation by all of us—bears ample testimony to my above statements. This magnificient boon of our beloved Maharaja immediately after his accession, has enhanced the reputation of Cochin and its Rulers, besides giving the lead to other Indian States. We can reasonably hope that His Highness' example will be followed by Rulers of other Indian States.

Another indication of His Highness' desire for the welfare and enlightenment of his subjects is seen from the orders passed by His Highness' Government extending free Primary Education throughout the State and improving the pitiable lot of the teachers of the Secondary Department. It is our pious wish and prayer that His Highness' progressive rule be serene and long.

His Highness' educational and cultural attainments, wide reading and vast experience, desire for service, devotion to duty and implicit faith in Gods omnipotence, have shaped him into an Ideal Ruler, pre-eminently fitted to pilot the ship of a model State like Cochin in these difficult times. Cochin and its people are exceptionally fortunate in getting such a Ruler to guide our destinies and to strive for our prosperity. I will be correct when I say that His Highness' only ambition in ascending to the Gadi which position was not coveted for by him but sought him naturally is to fulfil a sacred mission of working incessantly for the welfare of his subjects. His Highness is anxious that his rule should be broad-based upon his people's affection. I am confident that all sections of His Highness' subjects cherish deep sense of loyalty and affection towards him; and I need hardly say that His Highness can always count upon the unstinted co-operation of this House in his benevolent rule. May the Almighty shower upon His Highness abundance of health and wisdom to guide the destinies of his people, is the humble prayer of this House.

May His Highness Maharaja Sree Kerala Varma live long.

**Mr. P. Govinda Menon** *(Ernakulam)*: Mr. President, I second this congratulatory motion moved by the Hon'ble Minister for Rural Development. We are moving congratulatory motions



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